

## **REMARKS**

### **Overview**

Claims 1-4, 6, 7, 9-12, 22, 24, 26-33, 35, 36, 66-68, and 70-73 were pending when the Office Action was mailed April 21, 2011.<sup>1</sup> Applicants herein amend claims 1, 9, 10, 26, 27, 35, 36, and 66-68, add claims 74-105, and do not cancel any claims. Accordingly, claims 1-4, 6, 7, 9-12, 22, 24, 26-33, 35, 36, 66-68, and 70-105 are currently pending. No new matter is added.

The Office Action rejects the previously pending claims follows:

- A. Claims 1-4, 6, 7, 9, 11, 12, 27-31, 36, 66, and 67 are rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2003/0171984 ("Wodka"), U.S. Patent Publication No. 2004/0215514 ("Quinlan"), and U.S. Patent Publication No. 2005/0021400 ("Postrel"),
- B. Claims 10 and 35 are rejected under 35 U.S.C. § 103(a) over Wodka, Quinlan, Postrel, and U.S. Patent No. 7,006,983 ("Packses"),
- C. Claim 22 is rejected under 35 U.S.C. § 103(a) over Wodka, Quinlan, Postrel, and U.S. Patent Publication No. 2003/0220839 ("Nguyen"),
- D. Claim 24 is rejected under 35 U.S.C. § 103(a) over Wodka, Quinlan, Postrel, and U.S. Patent No. 5,202,826 ("McCarthy"),
- E. Claim 26 is rejected under 35 U.S.C. § 103(a) over Wodka, Quinlan, Postrel, and U.S. Patent No. 6,185,541 ("Scroggie"),
- F. Claim 32 is rejected under 35 U.S.C. § 103(a) over Wodka, Quinlan, Postrel, and U.S. Patent No. 7,221,258 ("Lane"),

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<sup>1</sup> The Office Action indicates that claims 1-73 are pending and that claims 5, 8, 13-21, 23, 25, 34, 37-65, and 69 are withdrawn from consideration. Applicants note that claims 5, 8, 13-21, 23, 25, 34, 37-65, and 69 were previously cancelled and are no longer pending.

- G. Claims 68, 72, and 73 are rejected under 35 U.S.C. § 103(a) over Wodka, Nguyen, and U.S. Patent Publication No. 2003/0130890 ("Banerjee"), and
- H. Claims 70 and 71 are rejected under 35 U.S.C. § 103(a) over Wodka, Nguyen, Banerjee, Postrel, and U.S. Patent No. 6,587,835 ("Treyz").

#### Interview Summary

Applicants thank Examiner Henry for the considerations extended during the telephone interview of May 31, 2011. During the interview, Examiner Henry, Rajiv Sarathy, and Anthony Johnson discussed claim 68, the proposed amendments to claim 1, and differences between the pending claims and the applied references. Examiner Henry indicated that the proposed amendments and remarks would overcome the current rejection but that another search would be necessary. Should the Examiner have any questions or need any additional information regarding the interview he is encouraged to contact the undersigned.

#### Rejections Under 35 U.S.C. § 103(a)

##### Claims 27, 66, and 67

Claim 27 recites "communicating said rebate-claim-status information at the point of sale." The Office Action relies on Postrel at ¶ [0067] as disclosing this feature. (Office Action, April 21, 2011, Page 12.) The instant application was filed on December 30, 2003. Postrel was filed on April 28, 2004 and is a continuation-in-part of U.S. Patent Application No. 10/608,736, filed on June 27, 2003, now U.S. Patent No. 6,820,061, which itself is a continuation of U.S. Patent Application No. 09/602,222, filed on June 23, 2000, now U.S. Patent No. 6,594,640. Applicants are unable to find support for ¶ [0067] of Postrel in U.S. Patent Application No. 09/602,222 or U.S. Patent Application No. 10/608,736. Thus, unless the Office is able to establish that the pertinent passages from Postrel find support in an earlier application, the earliest priority date attributable to ¶ [0067] of Postrel is April 28, 2004. Accordingly, ¶ [0067] of Postrel

does not qualify as prior art to the instant application under any subsection of 35 U.S.C. § 102. Accordingly, the Office Action has not established a prima facie case of obviousness with respect to claim 27. Applicants respectfully request that the Examiner withdraw the rejections of claim 27 and its dependent claims 28-33, 35, and 36.

Claims 66 and 67 recite features similar to those discussed above with respect to claim 27. The Office Action relies on Postrel at ¶ [0067] as disclosing these features. (Office Action, April 21, 2011, Pages 15 and 18.) For the reasons discussed above with respect to claim 27, applicants respectfully request that the Examiner withdraw the rejections of claims 66 and 67.

#### Claim 68

Claim 68 recites "transmitting to a third computer information indicative of the product" and "receiving from the third computer a second rebate for the competitor's product." The Office Action relies on Banerjee at ¶ [0007], ¶ [0023], and Figures 1, 3, and 4 as disclosing these features. (Office Action, April 21, 2011, Page 25.) Applicants respectfully disagree that the relied-upon portions of Banerjee describe these features. The relied-upon portions of Banerjee describe a technique for "resetting the value of a coupon" in response to receiving a "request for valuation of a coupon." (Banerjee, ¶ [0007].) The coupon value may be derived from a "market demand value...determined" based on "retailer inventory, competitor pricing, current and anticipated competitor inventory, competitor advertising spending, cyclical buying trends, and economic indicators." (Banerjee, ¶ [0007].) In determining the market demand value, Banerjee also describes assessing a "discount coupon value for [a] comparable product from the second closest competitor." (Banerjee, ¶ [0023].) However, Banerjee does not transmit any rebate for the "comparable product." Rather, Banerjee simply uses information pertaining to the comparable product (e.g., "pricing" and "coupon value") to determine a value for a coupon associated with another product. Thus, the Office Action fails to point to any portion of the applied references that describes or suggests "transmitting to a third computer information indicative of the

product" and "receiving from the third computer a second rebate for the competitor's product," as claim 68 recites. Accordingly, the Office Action has not established a prima facie case of obviousness with respect to claim 68 or its dependent claims 70-73.

### Claim 1

Claim 1 now recites "wherein said first computer is further configured to display, responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been approved, a rebate approved message to the customer at the point of sale, and responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been denied, a rebate denial message to the customer at the point of sale." The Office Action relies on Quinlan at ¶ [0016], Figure 3, and Figure 6 as disclosing "communicat[ing] said rebate-claim-status information to the customer." (Office Action, April 21, 2011, Page 4.) Although applicants do not agree that Quinlan describes or suggests this feature, applicants herein amend claim 1 to further clarify the subject matter for which protection is sought.

The relied-upon portions of Quinlan describe and illustrate systems and techniques for "processing one or more product marketing rebate claims submitted by a consumer in satisfaction of one or more rebate offers." (Quinlan, ¶ [0016] and Figure 3.) Quinlan's "rebate processing method comprises providing a designated site connected to a global computer information network and accessible by the consumer." (Quinlan, ¶ [0016].) "The designated site may be accessible to the consumer by a computer...or via a telephone." (Quinlan, ¶ [0016].) In some cases, Quinlan's system may credit a consumer's "designated card" after "validat[ing] [a] rebate claim." (Quinlan, Figure 6.) Quinlan, however, provides no indication that a "rebate approved message" or a "rebate denial message" is displayed "to [a] customer at the point of sale," as claim 1 now recites. Accordingly, claim 1 is patentable over the applied references, as are its dependent claims 2-4, 6, 7, 9-12, 22, 24, and 26.

New Claims

Support for newly added claims 74-80 can be found in applicants' specification as filed at least at Page 22, lines 22-24.

Support for newly added claims 81-105 can be found in applicants' specification as filed at least at Page 15, lines 6-17.

Conclusion

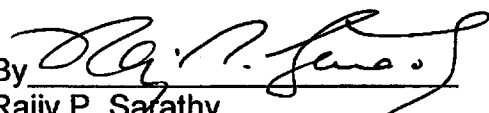
Applicants do not concede any rejection not specifically responded to above and reserves their rights to respond to any such rejections in the future. Applicants believe that the response is nevertheless complete. The dependent claims are allowable for at least the same reasons as the claims on which they depend.

Based on these amendments and remarks, applicants respectfully request reconsideration and early allowance of this application. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6478.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320529567US from which the undersigned is authorized to draw.

Dated: June 20, 2011

Respectfully submitted,

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